

**SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.**

(a) **REVIEW OF TRANSPORTATION VULNERABILITIES AND FEDERAL TRANSPORTATION SECURITY EFFORTS.**—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit facilities and equipment;

(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack; and

(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack.

**(b) REPORT.—**

(1) **CONTENT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress, the Secretary, and the Secretary of Transportation a comprehensive report, without compromising national security, containing—

(A) the findings and conclusions from the reviews conducted under subsection (a); and

(B) proposed steps to improve any deficiencies found in aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security, including, to the extent possible, the cost of implementing the steps.

(2) **FORMAT.**—The Comptroller General may submit the report in both classified and redacted format if the Comptroller General determines that such action is appropriate or necessary.

**(c) RESPONSE OF THE SECRETARY.—**

(1) **IN GENERAL.**—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(A) the response of the Department to the recommendations of the report; and

(B) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

(2) **FORMATS.**—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is necessary or appropriate.

(d) **REPORTS PROVIDED TO COMMITTEES.**—In furnishing the report required by subsection (b), and the Secretary's response and recommendations under subsection (c), to the Congress, the Comptroller General and the Secretary, respectively, shall ensure that the report, response, and recommendations are transmitted to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure.

**SA 4849.** Mr. INOUE submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 14, insert “tribal,” after “State.”

On page 7, after line 25, insert the following:

(8) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

On page 8, line 1, strike “(8)” and insert “(9)”.

On page 8, strike lines 5 through 8 and insert the following:

(10) **LOCAL GOVERNMENT.**—The term “local government” means—

(A) a county, city, village, town, district, or other political subdivision of any State;

(B) an Alaska Native village or organization; and

(C) a rural community or unincorporated town or village.

On page 8, line 9, strike “(10)” and insert “(11)”.

On page 8, line 13, strike “(11)” and insert “(12)”.

On page 8, line 15, strike “(12)” and insert “(13)”.

On page 8, strike line 17 and insert the following:

(14) **TRIBAL GOVERNMENT.**—The term “tribal government” means the governing body of an Indian tribe that is recognized by the Secretary of the Interior.

(15) **UNITED STATES.**—The term “United States” means—

On page 10, line 22, insert “, tribal,” after “State”.

On page 17, line 24, insert “, tribal,” after “State”.

On page 19, line 1, insert “, tribal,” after “State”.

On page 19, line 9, insert “, tribal,” after “State”.

On page 19, line 20, insert “, tribal,” after “State”.

On page 20, line 7, insert “, tribal,” after “State”.

On page 20, line 16, insert “, tribal,” after “State”.

On page 20, line 22, insert “, tribal,” after “State”.

On page 21, line 13, insert “, tribal,” after “State”.

On page 22, line 10, insert “, tribal,” after “State”.

On page 23, line 13, insert “, tribal,” after “State”.

On page 23, line 21, insert “tribal,” after “State”.

On page 31, line 1, insert “, tribal,” after “State”.

On page 34, line 12, insert “, tribal,” after “State”.

On page 34, line 13, insert “, tribal,” after “State”.

On page 34, line 23, insert “, tribal,” after “State”.

On page 35, line 8, insert “, tribal,” after “State”.

On page 38, line 1, strike “state,” and insert “State, tribal,”.

On page 42, line 5, insert “and the Indian Health Service” after “Service”.

On page 42, line 23, insert “and the Indian Health Service” after “Service”.

On page 52, line 3, insert “, tribal,” after “State”.

On page 81, line 7, insert “tribal,” after “State”.

On page 83, line 17, insert “tribal,” after “State”.

On page 83, line 21, insert “and the Indian Health Service” after “Service”.

On page 87, line 12, insert “, tribal,” after “State”.

On page 87, line 15, insert “, tribal,” after “State”.

On page 87, line 22, insert “, tribal,” after “State”.

On page 88, line 2, insert “, tribal,” after “State”.

On page 88, line 6, insert “, tribal,” after “State”.

On page 136, line 14, insert “, **TRIBAL**,” after “**STATE**”.

On page 136, line 20, insert “, a tribal government,” after “State”.

On page 137, line 1, insert “, a tribal government,” after “State”.

On page 137, line 11, insert “, tribal,” after “State”.

On page 137, line 19, insert “, **TRIBAL**,” after “**STATE**”.

On page 137, line 23, insert “, Indian tribes,” after “States”.

On page 138, line 12, insert “, **TRIBAL**,” after “**STATE**”.

On page 138, line 16, insert “, tribal government,” after “State”.

On page 138, line 23, insert “, Indian tribes,” after “States”.

On page 139, line 4, insert “, Indian tribes,” after “States”.

On page 139, line 11, insert “or Indian tribe” after “State”.

On page 139, line 21, insert “, Indian tribe,” after “State”.

On page 140, line 6, insert “, Indian tribes,” after “States”.

On page 140, line 11, insert “, Indian tribes,” after “States”.

On page 140, line 14, insert “or Indian tribe” after “State”.

On page 141, line 2, insert “or Indian tribe” after “State”.

On page 141, lines 6 and 7, strike “State and localities within the State” and insert “State or Indian tribe”.

On page 141, line 9, insert “, Indian tribe,” after “State”.

On page 141, line 11, insert “, Indian tribe,” after “State”.

On page 143, between lines 7 and 8, insert the following:

(4) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

On page 143, line 8, strike “(4)” and insert “(5)”.

On page 143, line 13, strike “(5)” and insert “(6)”.

On page 143, lines 16 through 18, strike “an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior”.

On page 235, line 19, insert “tribal,” after “State”.

**NOTICES OF HEARINGS/MEETINGS****COMMITTEE ON INDIAN AFFAIRS**

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, October 1, 2002, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider the following: S. 2743, a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; S. 2799, a bill to provide for the use and distribution of certain funds awarded to the Gila River, Pima-Maricopa Indian Community, and for other purposes; S. 2989, A bill to protect certain lands held in fee by the

Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; S. Res. 321, A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium, AIHEC; Nomination of Phil Hogen to serve as Chairman of the National Indian Gaming Commission; and Nomination of Quannah Crossland Stamps to serve as Commissioner of the Administration for Native Americans.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on October 3, 2002 in SR-328A at 11:00 a.m. The purpose of this hearing will be to discuss a pending nomination for the Farm Credit Administration.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 1, 2002, at 9:30 a.m. on Government Role in Promoting the Future of Telecommunications Industry and Broadband Deployment.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 1, 2002, at 10:00 a.m. to conduct a hearing to assess green school initiatives. Specifically, the Committee will evaluate environmental standards for schools such as school siting in relation to toxic waste sites and green building codes. The Committee is interested in evaluating activities being undertaken by the Environmental Protection Agency's Office of Children's Environmental Health and the Office of Indoor Air Quality, as well as the Department of Energy, that address environmental and energy concerns relevant to school properties.

The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 1, 2002 at 2:30 p.m. to hold a nomination hearing.

#### AGENDA

Nominees: Mr. Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam. Mr.

David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu. Mr. Charles A. Ray, of Texas, to be Ambassador to the Kingdom of Cambodia. Mr. Grover J. Rees, of Louisiana, to be Ambassador to the Democratic Republic of East Timor.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, October 1, 2002, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct a Business Meeting to consider the following: S. 2743, a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; S. 2799, a bill to provide for the use an distribution of certain funds awarded to the Gila River, Pima-Maricopa Indian Community, and for other purposes; S. 2989, A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; S. Res. 321, A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC); Nomination of Phil Hogen to serve as Chairman of the National Indian Gaming Commission; and Nomination of Quannah Crossland Stamps to serve as Commissioner of the Administration for Native Americans.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Narrowing the Nation's Power: The Supreme Court Sides with the States" on Tuesday, October 1, 2002 in Dirksen Room 226 at 11:00 a.m.

#### WITNESS LIST

The Honorable John T. Noonan, Jr., Judge, Ninth Circuit Court of Appeals San Francisco, CA; Professor Marci Hamilton, Benjamin N. Cardozo School of Law, New York, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 1, 2002 at 10:00 a.m. to hold a joint hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on "Detention and Treatment of Haitian Asylum Seekers," on Tuesday, October 1, 2002 at 2:15 p.m. in SD226.

#### FINAL WITNESS LIST

Panel I: Bishop Thomas G. Wenski, Auxiliary Bishop of Miami, Florida and Chairman of the U.S. Conference of Catholic Bishops Committee on Migration, Miami, FL; Marie Ocean, Haitian Asylee and Former Detainee, Miami, Florida; Cheryl Little, Executive Director, Florida Immigrant Advocacy Center (FIAC), Miami, Florida; Stephen Johnson, Policy Analyst for Latin America, Heritage Foundation, Washington, D.C.; Dina Paul Parks, Executive Director, National Coalition for Haitian Rights (NCHR), New York, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Wan Kim and Michael Volkov, who are detailed to Senator HATCH's staff, during the course of debate on H.R. 2215.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 618, S.J. Res. 45, and I send a cloture motion to the desk.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S.J. Res. 45, a joint resolution to authorize the use of U.S. forces against Iraq.

Harry Reid, Jeff Bingaman, Jean Carnahan, Daniel K. Inouye, Bill Nelson of Florida, Ben Nelson of Nebraska, Ernest F. Hollings, John Edwards, Tim Johnson, Joseph I. Lieberman, Herb Kohl, John Breaux, Joseph R. Biden, Jr., Max Baucus, Mary Landrieu, Tom Daschle.

Mr. REID. Mr. President, I withdraw that motion.

The PRESIDING OFFICER. The Senator has that right.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 1055